

House Study Bill 42 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the rights to involvement of certain
2 individuals in child in need of assistance and termination
3 of parental rights proceedings under the juvenile justice
4 code.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.87, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. For the purposes of the judicial
4 proceedings under this division III, part 4, including the
5 filing of the petition and the contents of the petition under
6 this section, if the biological father of a child has not been
7 otherwise legally determined, an individual named as a parent
8 on the child's certificate of birth pursuant to section 144.13,
9 subsection 2, shall be deemed a parent of the child.

10 Sec. 2. Section 232.111, subsection 4, paragraph b,
11 subparagraph (1), Code 2015, is amended to read as follows:

12 (1) Living parents of the child. If the biological father
13 of a child has not been otherwise legally determined, the
14 living parent of the child shall include an individual named
15 as a parent on the child's certificate of birth pursuant to
16 section 144.13, subsection 2.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill provides that for the purposes of child in need of
21 assistance judicial proceedings, including the filing of the
22 petition and the contents of the petition alleging a child to
23 be a child in need of assistance, if the biological father of a
24 child has not been otherwise legally determined, an individual
25 named as a parent on the child's certificate of birth based on
26 the fact that the mother was married to that individual at the
27 time of conception, birth, or at any time during the period
28 between conception and birth of the child, that individual is
29 deemed to be a parent of the child.

30 The bill also provides that for the purposes of a termination
31 of parental rights proceeding under Code chapter 232 (juvenile
32 justice), if the biological father of a child has not been
33 otherwise legally determined, an individual named as a parent
34 on the child's certificate of birth based on the fact that
35 the mother was married to that individual at the time of

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1 conception, birth, or at any time during the period between
2 conception and birth of the child, that individual is to be
3 included as a living parent of the child for the purposes of
4 the content of the petition and is thereby a necessary party to
5 the proceedings and entitled to notice and an opportunity to be
6 heard.